IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.388 OF 2006

IN

APPEAL (L) NO.78 OF 2006

...

Prakash B. Purohit ...Appellant

v/s.

Rajkumar Bhansali ...Respondent

...

Mr.Nitin Trivedi for the Appellant.

Mr.R.B.Jain i/b Legal Juris for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

By consent of parties motion is granted in terms of prayer clause (a).

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL (L) NO.78 OF 2006

IN

SUMMONS FOR JUDGMENT NO.418 OF 2005

IN

SUIT NO.1226 OF 2005

...

Prakash B. Purohit ...Appellant

v/s.

Rajkumar Bhansali ...Respondent

...

Mr.Nitin Trivedi for the Appellant.

Mr.R.B.Jain i/b Legal Juris for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. By consent of parties, the Appeal is disposed of in following terms.

(i) On the Defendant depositing an amount of Rs.7,00,000/- (Rupees Seven Lakh only) in this court with due intimation to the Plaintiff, within a period of twelve weeks from today, the order passed by the learned single Judge in the Summons for Judgment, which is impugned in this Appeal, shall stand set aside and leave to defend the suit shall stand granted to the Defendant;

(ii) In that event, the Defendant shall file his written statement within a period of six weeks from the date of deposit;

(iii) In case the amount is deposited, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on furnishing bank guarantee of a nationalised bank to the satisfaction of the Prothonotary & Sr.Master and an undertaking of the

Plaintiff to bring back the amount, if so directed by this court and on such terms and conditions as may be directed by this court with further undertaking that in that event the rate of interest shall not be less than 12% p.a.

(iv) Withdrawal by the Plaintiff shall be permitted within a period of eight weeks from the date of deposit. If the amount is not withdrawn within that period, then it shall be invested in fixed deposit in any nationalised bank during the pendency of the suit.

(v) If the Defendant fails to deposit the amount, this Appeal shall be treated as dismissed and the order impugned in the Appeal shall stand confirmed.

(vi) Appeal disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)